

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

ASATA LOWE
Petitioner,

v.

STATE OF TENNESSEE, et al.
Respondents.

]
]
]
]
]
]
]

No. 1:08-cv-0063
(No. 1:08-mc-0026)
Judge Echols

O R D E R

The Court has before it a pro se prisoner petition (Docket Entry No.1) under 28 U.S.C. § 2254, for writ of habeas corpus, an amendment to the petition (Docket Entry No.4) and an application to proceed in forma pauperis (Docket Entry No.3).

The application shows that the petitioner lacks sufficient financial resources to pay for the costs of the action. Therefore, the Clerk is directed to file the petition in forma pauperis. 28 U.S.C. § 1915(a).

The petitioner is an inmate at the Turney Center Industrial Prison in Only, Tennessee. He brings this action against the State of Tennessee; George Little, Commissioner of the Tennessee Department of Correction; James Fortner, Warden of Turney Center; and John Doe; challenging the legality of convictions entered against him in Blount County.¹

Under 28 U.S.C. § 2241(d), a habeas petitioner may file in either the judicial district where the petitioner was convicted or

¹Blount County lies within the Eastern District of Tennessee, Northern Division. 28 U.S.C. § 123(a)(1).

the judicial district where he is currently incarcerated. Therefore, venue for this action is proper in both the Eastern and Middle Districts of Tennessee. However, a petitioner's place of confinement may change from time to time while the district of his convictions will remain constant. For this reason, it has been the consistent practice in the federal courts of Tennessee to transfer habeas petitions to the judicial district in which the convicting court is located.

In this case, it appears that the Eastern District is the situs of the petitioner's convictions. Accordingly, the Clerk will transfer this action to the United States District Court for the Eastern District of Tennessee, Northern Division at Knoxville, Tennessee. 28 U.S.C. § 1404(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

Robert L. Echols
United States District Judge